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**APPROVED 11.15.10**

CHARLES J. LARSCHEID

PORT AND SOLID WASTE DIRECTOR

## **PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION**

A meeting was held on Thursday, **OCTOBER 11, 2010**, 11:30am., at Holiday Inn – City Centre, Green Bay, WI. The meeting was officially called to order by President McKloskey.

### Roll Call:

Present: President Neil McKloskey  
Commissioner Bill Martens  
Commissioner John Gower  
Commissioner John Hanitz  
Commissioner Hank Wallace

Excused: Commissioner Tom Klimek

Also Present: Charles Larscheid, Brown County Port & Solid Waste  
Dean Haen, Brown County Port & Solid Waste  
Mark Walter, Brown County Port & Solid Waste  
Tony Walter, Green Bay Press Gazette  
Daniel Tumpach, Citizen

### 2. APPROVAL/MODIFICATION – MEETING AGENDA

**A motion was made by John Gower and seconded by John Hanitz to approve the agenda.** Unanimously approved.

### 3. APPROVAL/MODIFICATION – SEPTEMBER 13, 2010 MEETING MINUTES

**A motion to approve the September 13, 2010 meeting minutes was made by Neil McKloskey and seconded by John Gower.** Unanimously approved.

### 4. CAT ISLAND CHAIN RESTORATION PROJECT - Update

#### a. WDOT Harbor Assistance Grant Agreement

Until the HAP Grant Agreement for \$7.1M is signed, Brown County's costs are not eligible for reimbursement. Due to changes in the terms of the Project Cooperative Agreement and Memorandum of Understanding with the USACE, the request for approval of the WDOT Harbor Assistance Grant Agreement is not being requested at this time per staff. Staff indicated there is ongoing discussion between the federal government and Brown County as to cost-share and reimbursement. The WDOT grant is on a reimbursement basis and there is no money up front. In addition, Brown County has indicated they would do a portion of the project in order to be funded 80/20 rather than 50/50 and, therefore, has to be a Brown County project with Brown County being the payor. The USACE is requesting that Brown County supply the materials and provide all the rock. Brown County could get credit for the materials provided which would be considered part of Brown County's cost-share. This option is being pursued by staff. The grant agreement specifically outlines the scope of work and a timeline; however, if Brown County is shown as the material provider, this timeline could be extended up to 5 years in order to provide the necessary rock or stone needed. This also changes the scope as previously outlined as Brown County's sole purpose will be providing material.

Another alternative staff is considering is to have Brown County assume responsibility for building the access road and the wave barrier in front and sides of the west Island using County and State money and then negotiating a 217 Agreement with the USACE to use it.

A Grant Agreement has been signed with the EPA for GLRI money. Any staff time used for this project would be eligible for reimbursement from the EPA. Brown County is also in the process of securing a grant agreement with Fish & Wildlife for NRDA money. Discussion ensued.

As Brown County is responsible for all permits and easements, a 401 Water Quality Certification request was submitted to the State for crossing the upland portion of the project. There is an existing right of way of Bayshore Drive.

A public information meeting on the DMMP has been scheduled by the USACE at the Brown County Central Library on Wednesday from 530pm to 730pm. Commission is welcome to attend.

5. CLOSURE OF RENARD ISLAND – Update

The WDNR has signed off on the construction of the causeway to Renard Island. The USACE and Brown County have submitted a Chapter 30 Permit to the WDNR and have received approval. Information on the construction bid was handed out and discussed. This project will not start until the causeway is in. Since the USACE award of the construction bid to Nuvo did not include monies to brush scrub the Island, Brown County has modified their bid to include that. An onsite meeting is scheduled for October 20<sup>th</sup> at Renard and BayPort. Bid responses due by November 1<sup>st</sup>. Staff noted that Brown County's crane mats will be available to rent at \$300 each to the contractor awarded the contract.

Staff is attempting to identify the capping material for Renard Island. Recent samples have come back with a pcb level of .39 (the pcb limit is .4). Staff has requested Foth perform a full investigation of Cells 2 and 7. It has been determined that Cell 4 does not meet limitations. The additional cost of \$30,000 for the investigation will affect the closure bid. Results should be received in 3 to 6 weeks and approval of a budget adjustment will be needed from the Commission.

The USACE bid was reviewed. The bid was not awarded to either of the two local contractors but instead was awarded to a company out of Milwaukee in order to meet USACE bid requirements. The bid awarded was at three times the original cost of the project. Discussion followed on the qualifications of the company that received the contract.

6. ROBIN'S MANUFACTURING FTZ 167 SUBZONE CLOSURE – Update

Staff contacted Robin's Manufacturing as they are at the end of their five-year subzone agreement with Brown County. Brown County was informed that as of June 2011, Robin's will be closing their doors. The FTZ generates \$24,000 per year for the Port. With the closure of Robin's as well as Polaris Industries (discussed at last month's meeting), this loss of revenue will affect the 2012 Port budget.

7. BayPort Dredge Material Rehandling Facility – Update

A draft of the proposed expansion by adjusting the grades at BayPort was sent to the Commission. A final draft has been sent to the WDNR to begin the process of upward expansion BayPort. This draft is the culmination of five years worth of studies. Staff does not believe there are any environmental issues. There is currently less than 10 years of capacity remaining at BayPort.

8. HIGHWAY 41-141 BENEFICIAL REUSE PROJECT – Update

The Quality Assurance Plan (QAP) is being done by Foth and at this time is not available for Commission's review. Brown County has not received the WDOT's investigation results as of this date either. Staff is confident BayPort dredge material will be used for this project and any information/results will be provided to the Commission as they become available.

9. AUDIT OF BILLS – Request for Approval

**A motion to approve the bills was made by Hank Wallace and seconded by John Hanitz.** Unanimously approved.

10. TONNAGE REPORT – Request for Approval

September's tonnage was reviewed. Staff noted tonnage is up 6% from last year at this time. The number of ships entering the Port is also up. Staff anticipates a substantial amount of salt to be delivered to the Port this year yet. U.S. Venture's facility is being dredged and will be open for business next year. **A motion to approve the tonnage report was made by Hank Wallace and seconded by John Gower.** Unanimously approved.

11. DIRECTOR'S REPORT

- *Fox River Litigation*

The government has allowed most of the smaller PRP's to settle out of court but are holding Brown County and the City of Green Bay accountable. It is possible that Brown County and Green Bay will be allowed to settle with the government. Brown County's insurance may pay our portion of the lawsuit; however, no confirmation of this has been received by Brown County Corporation Counsel.

- *2010 budget*

The Brown County Board will be discussing the proposed 2011 County Budget on November 8<sup>th</sup> beginning at 9am. Staff indicated that generally the Port budget is non-controversial.

- *Furloughs*

The County Board implemented a furlough plan for all County employees. Union-represented employees are required to take 5 furlough days in 2010. Administrative employees are required to take 3 furlough days in 2010. Two of these furlough days will be the Friday after Thanksgiving, the half day on Christmas Eve and the half day on the day before New Year's Eve. Employees, however, can use vacation or comp time for these lost hours. Since the Transfer Station and Hazardous Waste facility are normally open on Saturdays, an exception has been made for these employees in order to continue service to our customers (specifically municipalities). Employees working holiday hours will be required to take furlough days on alternative days. Staff noted, however, that employees working holiday hours will be paid double time and that no Administrative staff will be in the office. Discussion on how this saves money for the County was discussed.

12. SUCH OTHER MATTERS AS AUTHORIZED BY LAW

Staff indicated that zero comments were received on the Chapter 30 Permit for Renard Island. Staff is still waiting for the mitigation credit for the spawning area at the Bylsby property.

13. ADJOURN

**A motion to adjourn was made by Hank Wallace and seconded by John Hanitz.** Meeting adjourned at 12:35pm.

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Neil McKloskey, President  
Harbor Commission

Charles Larscheid, Director  
Port & Solid Waste Department